

Appl. No. 09/825,045  
Amdt. Dated November 16, 2004  
Reply to Office Action of September 30, 2004

REMARKS

Claims 1 through 20 remain pending. Claims 1, 7, 8, 14,  
and 15 have each been currently amended. Claims 2 through  
5 6, 9 through 13, and 17 through 20 are original claims.  
Claim 21 has been canceled.

"Claims 1-21 are rejected under 35 U.S.C. 102(e) as being  
anticipated by Kong et al. (US 6,782,106, hereinafter  
10 "Kong")."

The claims as now presented are not anticipated or made  
obvious by Kong. Nor are the claims as now presented  
anticipated or made obvious by the cited references not  
15 relied upon, whether taken individually or in any  
combination with one another or with Kong, as will be  
discussed below.

Claim 1, as currently amended is now claiming:

20 A selective noise canceling headset, comprising:

at least one earpiece for reproducing a selected audio  
signal;

a microphone for monitoring an external audio signal  
in a vicinity of said headset; and

25 a selective noise suppression circuit for analyzing  
said external audio signal, for in the absence of undesired  
noise permitting said external audio signal to be added to  
said selected audio signal for reproduction via said at  
least one earpiece, and for preventing such reproduction of

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said external audio signal at times that undesired noise is present.

The cited references do not individually or in any  
5 combination teach the combination of elements of Claim 1  
(currently amended), and particularly do not teach the use of  
"a selective noise suppression circuit . . ." as now claimed.  
For example, Kong teaches as indicated in the "Abstract," the  
use of "volume controller for outputting sound signals only if  
10 each of the volumes of a sound signal of a sound producing  
device and the sound signal of the external sound receiver  
exceeds a predetermined reference level, and a mixer for  
mixing the sound signal of the sound producing device with the  
sound signals output from the volume controller and outputting  
15 the result." Clearly, this is different than and teaches away  
from the ". . . selective noise suppression circuit. . ." of  
Claim 1 (currently amended). Accordingly, Claim 1, as  
currently amended, is free of Kong, and patentable.

20 Claims 2 through 7 are each dependent from Claim 1, and  
accordingly are each patentable for at least the same reasons  
as Claim 1 (currently amended.).

Claim 7, as currently amended now calls for: "The  
25 selective noise canceling headset of Claim 1, wherein said  
selective noise suppression circuit amplifies portions of said  
external audio signal to be added to said selected audio  
signal." Neither Kong or any other of the cited references  
teaches the combination of elements of Claim 7, as currently  
30 amended. Accordingly, for this reason alone, Claim 7  
(currently amended) is patentable.

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Independent Claim 8, as currently amended, now calls for:

A selective noise canceling device, comprising:

a microphone for monitoring an external audio signal;

5 and

a selective noise suppression circuit for analyzing  
said external audio signal, for in the absence of undesired  
noise permitting at least a portion of said external audio  
signal to be reproduced, and for preventing such  
10 reproduction of said external audio signal at times that  
undesired noise is present.

Claim 8, as currently amended, is patentable for at least  
the same reason discussed above for showing that Claim 1

15 (currently amended) is free of the cited references.

Claims 9 through 14 are each dependent from Claim 8.

Accordingly, these claims are patentable for at least the same  
reasons as Claim 8 (currently amended). Also, Claim 14 has  
20 been currently amended in a similar manner to the amendment of  
the Claim 7. Accordingly, Claim 14, as currently amended, is  
patentable in and of itself for the same reasons as Claim 7  
(currently amended).

25 Claim 15, as currently amended, now reads:

A selective noise canceling method, comprising:

monitoring an external audio signal;

analyzing said external audio signal;

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amplifying portions of said external audio signal  
that are free of undesired noise; and

adding said amplified portions of said external audio  
signal to a selected audio signal for reproduction thereof.

5

Claim 15, as currently amended, is claiming a combination  
of elements not found in the cited references. More  
specifically, the steps of "amplifying . . ." and "adding . .  
." are not found in Kong, or in any of the other cited  
10 references not relied upon. Accordingly, Claim 15, as  
currently amended, is free of the cited references and  
patentable. Claims 16 through 20 are each dependent from  
Claim 15. Accordingly, these dependent claims are patentable  
for at least the same reasons as Claim 15 (currently amended).

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Applicants have shown that the claims as now presented are patentable over the cited references. Accordingly, it is respectfully requested that the claims be allowed and the case passed on to issue.

Respectfully submitted,



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